

AMENDED IN SENATE AUGUST 19, 2003

AMENDED IN SENATE JUNE 17, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1340

Introduced by Assembly Member Kehoe

February 21, 2003

An act to *amend Section 25364 of, and to add Section 25355 to, the Public Resources Code, relating to energy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Kehoe. Petroleum: information reports.

Existing law establishes the State Energy Resources Conservation and Development Commission in the Resources Agency, and specifies the powers and duties of the commission with respect to energy resources in the state. Existing law requires major oil producers, refiners, major marketers, major oil transporters, and major oil storers to supply to the commission each month certain designated information regarding petroleum supplies, as specified. *Existing law permits any person required to submit this information to request that specific information be held in confidence.*

This bill would require an oil refiner, oil producer, petroleum product transporter, petroleum product marketer, petroleum product pipeline operator, and ~~storage facility~~ *terminal* operator to submit a report to the energy commission each week providing information, as required by the energy commission relating to receipts, inventory levels, imports, exports, transportation, sources, and prices. *The bill would also permit*

any person required to submit this information to the commission to request that specific information be held in confidence.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25355 is added to the Public Resources
2 Code, to read:

3 25355. Beginning the first week after ~~the effective date of this~~
4 ~~section January 1, 2004~~, and each week thereafter, an oil refiner,
5 oil producer, petroleum product transporter, petroleum product
6 marketer, petroleum product pipeline operator, and ~~storage facility~~
7 ~~terminal~~ operator shall submit a report to the commission in the
8 form and extent as the commission prescribes pursuant to this
9 section. A report may include, but is not limited to, any of the
10 following information:

11 (a) Receipts and inventory levels of crude oil and petroleum
12 products at each refinery and terminal location.

13 (b) Amount of gasoline, diesel, jet fuel, blending components,
14 and other petroleum products imported and exported.

15 (c) Amount of gasoline, diesel, jet fuel, blending components,
16 and other petroleum products transported intrastate by marine
17 vessel.

18 (d) Amount of crude oil imported, including information
19 identifying the source of the crude oil.

20 (e) Dealer tank wagon prices, that is, net dealer buying prices.

21 SEC. 2. Section 25364 of the Public Resources Code is
22 amended to read:

23 25364. (a) Any person required to present information to the
24 commission pursuant to Section 25354 or 25355 may request that
25 specific information be held in confidence.

26 (b) Information presented to the commission pursuant to
27 Section 25354 or 25355 shall be held in confidence by the
28 commission or aggregated to the extent necessary to assure
29 confidentiality if public disclosure of the specific information or
30 data would result in unfair competitive disadvantage to the person
31 supplying the information.

32 (c) (1) Whenever the commission receives a request to
33 publicly disclose unaggregated information, or otherwise

proposes to publicly disclose information submitted pursuant to Section 25354 *or* 25355, notice of the request or proposal shall be provided to the person submitting the information. The notice shall indicate the form in which the information is to be released. Upon receipt of notice, the person submitting the information shall have 10 working days in which to respond to the notice to justify the claim of confidentiality on each specific item of information covered by the notice on the basis that public disclosure of the specific information would result in unfair competitive disadvantage to the person supplying the information.

(2) The commission shall consider the respondent's submittal in determining whether to publicly disclose the information submitted to it to which a claim of confidentiality is made. The commission shall issue a written decision which sets forth its reasons for making the determination whether each item of information for which a claim of confidentiality is made shall remain confidential or shall be publicly disclosed.

(d) The commission shall not make public disclosure of information submitted to it pursuant to Section 25354 *or* 25355 within 10 working days after the commission has issued its written decision required in this section.

(e) No information submitted to the commission pursuant to Section 25354 *or* 25355 shall be deemed confidential if the person submitting the information or data has made it public.

(f) With respect to petroleum products and blendstocks reported by type pursuant to paragraph (1) or (2) of subdivision (a) of Section 25354 ~~and~~, information provided pursuant to subdivision (h) of Section 25354, *or information provided pursuant to Section 25355*, neither the commission nor any employee of the commission may do any of the following:

(1) Use the information furnished under paragraph (1) or (2) of subdivision (a) of Section 25354 ~~or~~, under subdivision (h) of Section 25354, *or under Section 25355* for any purpose other than the statistical purposes for which it is supplied.

(2) Make any publication whereby the information furnished by any particular establishment or individual under paragraph (1) or (2) of subdivision (a) of Section 25354 ~~or~~, under subdivision (h) of Section 25354, *or under Section 25355* can be identified.

(3) Permit anyone other than commission members and employees of the commission to examine the individual reports

1 provided under paragraph (1) or (2) of subdivision (a) of Section
2 25354 ~~or~~, under subdivision (h) of Section 25354, *or under*
3 *Section 25355*.

4 (g) Notwithstanding any other provision of law, the
5 commission may disclose confidential information received
6 pursuant to subdivision (a) of Section ~~25310.4 or Section 25304~~
7 *or 25354* to the State Air Resources Board if the state board agrees
8 to keep the information confidential. With respect to the
9 information it receives, the state board shall be subject to all
10 pertinent provisions of this section.

